

SENATE BILL No. 354

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-2.

Synopsis: IURC enforcement authority. Allows the Indiana utility regulatory commission (IURC) to impose the following penalties on a utility if the utility violates Indiana utility law or fails to comply with an order of the IURC: (1) A civil penalty of not more than \$25,000 per violation. (2) A cease and desist order. (3) An order that the utility take corrective action to remedy the violation. (4) Revocation or modification of the utility's certificate of territorial authority, certificate of public convenience and necessity, or other permit. Authorizes the attorney general to bring an action to enforce an order of the IURC to impose a penalty. Provides for the deposit of any civil penalties collected in the commission public utility fund account. Provides that the IURC may impose only the civil penalties allowed under current law for violations of slamming and cramming laws by telecommunications providers. Authorizes the IURC to direct a utility to provide service within 24 hours if the IURC determines that the service is necessary to prevent injury or to alleviate an emergency. Provides that each day that a utility fails to provide service after being directed to do so is a separate violation. Repeals a superseded statute relating to the IURC's enforcement powers.

Effective: July 1, 2001.

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January 16, 2001, read first time and referred to Committee on Commerce and Consumer Affairs.



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 354

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-1-2-115.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 115.1. (a) As used in this section, "order" refers to an**
4 **order, a decision, a decree, a rule, a direction, a demand, or a**
5 **requirement of the commission or a division of the commission.**

6 **(b) As used in this section, "utility" refers to a public utility over**
7 **which the commission has jurisdiction.**

8 **(c) If after notice and hearing the commission finds that a utility**
9 **has:**

10 **(1) violated a provision of this title over which the commission**
11 **has jurisdiction; or**

12 **(2) failed to comply with any part of an order;**
13 **the commission may act as provided in subsection (d).**

14 **(d) Except as provided in subsection (h), the commission may**
15 **issue an order that does any of the following if the commission**
16 **makes a finding under subsection (c):**

17 **(1) Impose a civil penalty of not more than twenty-five**



thousand dollars (\$25,000) for each violation or noncompliance.

(2) Issue an order that the utility cease and desist from the violation or noncompliance.

(3) Issue an order mandating corrective action to alleviate the violation or noncompliance.

(4) Revoke or modify the terms of the utility's certificate of territorial authority, certificate of public convenience and necessity, or other permit issued by the commission.

(e) The attorney general may bring an action in the name of the state of Indiana to enforce an order of the commission under subsection (d), including the collection of an unpaid civil penalty imposed by the commission under subsection (d)(1). The attorney general may bring the action in a court that has jurisdiction in the county where the utility has its principal place of business.

(f) The secretary of the commission shall deposit any civil penalties collected under this section in the commission public utility fund account established under IC 8-1-6.

(g) Except as provided in subsection (h), the authority granted under this section is in addition to, and may be exercised independently of, any other authority granted under this article.

(h) If, after a hearing conducted under subsection (c), the commission finds that a utility has violated:

(1) IC 8-1-29-5; or

(2) rules adopted under IC 8-1-29-6;

the commission may impose only the civil penalties allowed under IC 8-1-29-7.5.

SECTION 2. IC 8-1-2-128 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 128. (a) As used in this section, "utility" refers to a public utility over which the commission has jurisdiction.

(b) If the commission or a division of the commission:

(1) determines that the provision of utility service is necessary to prevent injury to any person or to alleviate an emergency; and

(2) directs a utility to provide utility service;

the utility shall provide utility service within twenty-four (24) hours after receiving direction from the commission or division of the commission.

(c) If the commission finds a utility has violated subsection (b), each day that the utility fails to provide service as directed by the commission or a division of the commission is considered a

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1 **separate violation for purposes of imposing civil penalties under**
2 **section 115.1 of this chapter.**

3 SECTION 3. IC 8-1-2-115 IS REPEALED [EFFECTIVE JULY 1,
4 2001].

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